

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BCS SOFTWARE, LLC,

Plaintiff

v.

OPEN TEXT, INC.

Defendant

Case No. 6:21-cv-0050

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff BCS Software, LLC (“Plaintiff” or “BCS”) hereby asserts the following claims for patent infringement against Open Text, Inc. (“Defendant” or “Open Text”), and alleges, upon information and belief, as follows:

THE PARTIES

1. BCS Software, LLC is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business at 600 Columbus Avenue, Suite 106, #7, Waco, Texas 76701.
2. Upon information and belief, Open Text, Inc. is a foreign for-profit corporation organized and existing under the laws of the State of Delaware, with regular and established places of business located within this District at: (i) 1301 S. Mopac Expressway Suite 150, Austin, Texas 78746; and (ii) 10537 Gulfdale Drive, San Antonio, Texas 78216. Further on information and belief, Defendant Open Text, Inc. may be served through its designated agent for service of process in the State of Texas: Corporation Service

Company d/b/a CSC-Lawyers Incorporating Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
4. Defendant has committed acts of infringement in this judicial district.
5. Upon information and belief, Defendant has multiple regular and established place of business in this judicial district at: (i) 1301 S. Mopac Expressway Suite 150, Austin, Texas 78746; and (ii) 10537 Gulfdale Drive, San Antonio, Texas 78216.
6. Upon information and belief, the Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.
7. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Western District of Texas.
8. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 1400(b).

U.S. PATENT NO. 8,819,120

9. BCS is the owner, by assignment, of U.S. Patent No. 8,819,120 ("the '120 Patent"), entitled "METHOD AND SYSTEM FOR GROUP COMMUNICATIONS," which issued on August 26, 2014.
10. The '120 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

11. The '120 Patent includes numerous claims defining distinct inventions.
12. The priority date of the '120 Patent is at least as early as October 2004. As of the priority date, the inventions as claimed were novel, non-obvious, unconventional, and non-routine.
13. The claims of the '120 Patent are not drawn to laws of nature, natural phenomena, or abstract ideas. Although the systems and methods claimed in the '120 Patent are ubiquitous now (and, as a result, are widely infringed), the specific combinations of elements, as recited in the claims, were not conventional or routine at the time of the invention.
14. Further, the claims of the '120 Patent contain inventive concepts which transform the underlying non-abstract aspects of the claims into patent-eligible subject matter.
15. Consequently, the claims of the '120 Patent recite apparatuses and methods resulting in improved functionality of the claimed systems and represent technological improvements to the operation of computers. The claims of the '120 Patent unconventionally provide a group communication system allowing a group of users to participate in communications including internal mail, message exchanging and accessing files. *See, e.g., '120 Patent at Abstract.*
16. The claims of the '120 Patent overcome deficiencies existing in the art as of the date of invention, and comprise non-conventional approaches that transform the inventions as claimed into substantially more than mere abstract ideas. For example, as of the date of invention, “[w]hat a modern enterprise desire[d] is a true collaborative environment in which co-workers or individuals involved can share information and data, and participate in discussion confidentially without intrusions from others, regardless where they are and

in what time zone.” ’120 Patent at 2:20-25. The inventions as claimed overcome these deficiencies in the state of the art, and provide substantial technological benefits to all parties. Further, as of the date of invention, “Email and IM each provide some features desired for a true collaborative environment but none offers all. The present invention discloses a collaborative platform that facilitates such requirements. Besides providing a non-intrusive communication platform, the present invention also provides data mobility to users.” *Id.* at 2:25-30. As such, the inventions as claimed provide non-conventional solutions to the conventional problems of the day because the collaborative platform allowed users to enjoy more secure interactions, along with data mobility.

NOTICE OF BCS’ PATENTS

17. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,240,421 (the “’421 Patent”), entitled “System, software and apparatus for organizing, storing and retrieving information from a computer database,” which issued on May 29, 2001. A copy of the ’421 Patent is available at <https://patents.google.com/patent/US6240421B1/en?q=6240421>.
18. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,421,821 (the “’821 Patent”), entitled “Flow chart-based programming method and system for object-oriented languages,” which issued on July 16, 2002. A copy of the ’821 Patent is available at <https://patents.google.com/patent/US6421821B1/en?q=6421821>.
19. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,658,377 (the “’377 Patent”), entitled “Method and system for text analysis based on the tagging, processing, and/or reformatting of the input text,” which issued on December 2, 2003. A copy of the ’377 Patent is available at <https://patents.google.com/patent/US6658377B1/en?q=6658377>.

20. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,895,502 (the “’502 Patent”), entitled “Method and system for securely displaying and confirming request to perform operation on host computer,” which issued on May 17, 2005. A copy of the ’502 Patent is available at <https://patents.google.com/patent/US6895502B1/en?q=6895502>.
21. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,200,760 (the “’760 Patent”), entitled “System for persistently encrypting critical software data to control the operation of an executable software program,” which issued on April 3, 2007. A copy of the ’760 Patent is available at <https://patents.google.com/patent/US7200760B2/en?q=7200760>.
22. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,302,612 (the “’612 Patent”), entitled “High level operational support system,” which issued on November 27, 2007. A copy of the ’612 Patent is available at <https://patents.google.com/patent/US7302612B2/en?q=7302612>.
23. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,533,301 (the “’301 Patent”), entitled “High level operational support system,” which issued on May 12, 2009. A copy of the ’301 Patent is available at <https://patents.google.com/patent/US7533301B2/en?q=7533301>.
24. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,730,129 (the “’129 Patent”), entitled “Collaborative communication platforms,” which issued on June 1, 2010. A copy of the ’129 Patent is available at <https://patents.google.com/patent/US7730129B2/en?q=7730129>.
25. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,840,893 (the “’893 Patent”), entitled “Display and manipulation of web page-based search results,” which issued on

November 23, 2010. A copy of the '893 Patent is available at <https://patents.google.com/patent/US7840893B2/en?q=7840893>.

26. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,895,282 (the "'282 Patent"), entitled "Internal electronic mail system and method for the same," which issued on February 22, 2011. A copy of the '282 Patent is available at <https://patents.google.com/patent/US7895282B1/en?q=7895282>.
27. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,890,809 (the "'809 Patent"), entitled "High level operational support system," which issued on February 15, 2011. A copy of the '809 Patent is available at <https://patents.google.com/patent/US7890809B2/en?q=7890809>.
28. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,996,464 (the "'464 Patent"), entitled "Method and system for providing a user directory," which issued on August 9, 2011. A copy of the '464 Patent is available at <https://patents.google.com/patent/US7996464B1/en?q=7996464>.
29. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,996,469 (the "'469 Patent"), entitled "Method and system for sharing files over networks," which issued on August 9, 2011. A copy of the '469 Patent is available at <https://patents.google.com/patent/US7996469B1/en?q=7996469>.
30. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,171,081 (the "'081 Patent"), entitled "Internal electronic mail within a collaborative communication system," which issued on May 1, 2012. A copy of the '081 Patent is available at <https://patents.google.com/patent/US8171081B1/en?q=8171081>.

31. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,176,123 (the “’123 Patent”), entitled “Collaborative communication platforms,” which issued on May 8, 2012. A copy of the ’123 Patent is available at <https://patents.google.com/patent/US8176123B1/en?q=8176123>.
32. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,285,788 (the “’788 Patent”), entitled “Techniques for sharing files within a collaborative communication system,” which issued on October 9, 2012. A copy of the ’788 Patent is available at <https://patents.google.com/patent/US8285788B1/en?q=8285788>.
33. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,554,838 (the “’838 Patent”), entitled “Collaborative communication platforms,” which issued on October 8, 2013. A copy of the ’838 Patent is available at <https://patents.google.com/patent/US8554838B1/en?q=8554838>.
34. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,819,120 (the “’120 Patent”), entitled “Method and system for group communications,” which issued on August 26, 2014. A copy of the ’120 Patent is available at <https://patents.google.com/patent/US8819120B1/en?q=8819120>.
35. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,984,063 (the “’063 Patent”), entitled “Techniques for providing a user directory for communication within a communication system,” which issued on March 17, 2015. A copy of the ’063 Patent is available at <https://patents.google.com/patent/US8984063B1/en?q=8984063>.
36. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,396,456 (the “’456 Patent”), entitled “Method and system for forming groups in collaborative communication

system,” which issued on July 19, 2016. A copy of the ’456 Patent is available at <https://patents.google.com/patent/US9396456B1/en?q=9396456>.

DEFENDANT'S PRODUCTS

37. Upon information and belief, Defendant makes, uses, imports, sells, and/or offers for sale the Hightail product (the "Accused Product").
38. Defendant performs and induces others to perform a method for sharing data via a server.

COUNT I

(Infringement of U.S. Patent No. 8,819,120)

39. Plaintiff incorporates each of the foregoing paragraphs by reference.
Defendant has been on notice of the '120 Patent at least as early as the date it received service of this complaint.
40. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least claims 1, 2 and 3 of the '120 Patent by making, using, importing, selling, and/or, offering for sale the Accused Product.
41. Defendant, with knowledge of the '120 Patent, infringes the '120 Patent by inducing others to infringe the '120 Patent. In particular, Defendant intends to induce its customers to infringe the '120 Patent by encouraging its customers to use the Accused Product. Defendant's acts of inducement are actionable at least as of the date of service of the Original Complaint in this matter.
42. Defendant also induces others, including its customers, to infringe the '120 Patent by providing technical support for the use of the Accused Product.
43. Upon information and belief, at all times Defendant owns and controls the operation of the Accused Product in accordance with an end user license agreement.

44. Claim 1 of the '120 Patent recites:

1. A method for sharing data via a server, comprising:

(a) receiving by the server a request from a first client machine to establish a connection with a second client machine;

(b) forwarding the request by the server to the second client machine;

(c) permitting the first client machine to communicate with the second client machine via the server in response to the second client machine granting the request;

(d) in response to the first client machine uploading a file to a file list coupled to a store that is remotely located to the first and second client machines:

(i) notifying the second client machine by the server of the file, and

(ii) establishing a level of access to the file list coupled to the store, wherein the store is independent of a file path and unnavigable to by a user; and

(e) establishing a connection between the file list and the store by a secured channel to download the file.

45. With the Accused Product, Defendant performs a method for sharing data via a server. For example, Defendant provides a collaborative platform Hightail which allows a user to share files with another user via cloud storage. Hightail comprises Space which allows a user to collaborate on multiple files with team members. A Space link is generated and shared with another user to add him in a shared group.

FILE SHARING FEATURES

SHARE FILES WITH ANYONE

It's easy to upload and share your work with anyone, and recipients won't even need an account to access your files.

MAKE IT EASY FOR ALL

Automatic file previews, one-click access to content and fast downloads take the frustration out of file sharing.

KEEP TABS ON YOUR FILES

Receive email notifications in real time once files have been delivered or are available to download.

Source: <https://www.hightail.com/file-sharing>

UPLOAD AND TRANSFER LARGE FILES

Quickly upload files from your computer or import from cloud storage services such as Google Drive, Dropbox and Microsoft OneDrive.


CONTROL YOUR CONTENT

Decide who will receive your shared content, and protect your work with security settings such as access codes, protected links and expiration dates.

COLLECT FILES FROM ANYONE


Create a personal Uplink URL so anyone can upload and share files with you, without needing a Hightail account.

Deliver files directly to



Sophia
sophia@creativeagency.com

FROM



John
john@creativeagency.com

MESSAGE

Hey John here are the files you requested.

| | |
|----------------------|---|
| Intro_video.mp4 | x |
| transition_slide.jpg | x |
| fonts.zip | x |
| copy_deck.docx | x |

ADD MORE FILES

Source: <https://www.hightail.com/file-sharing>

How do I share files using Hightail?

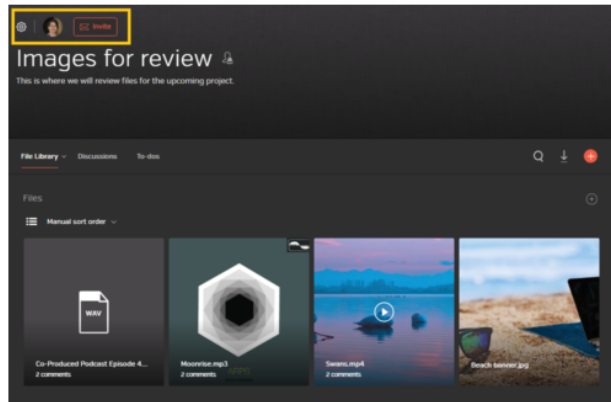
You have a few options for sharing files in Hightail. To send files directly to a recipient's email address, open up a send form and upload your files to be delivered. If you are collaborating on multiple files, and are ready to send them to be reviewed, you can store those files in a Space and send the Space link out to your reviewer or invite them to join your Hightail Space.

Source: <https://www.hightail.com/file-sharing>

Share your Space

To quickly share your Space without asking your reviewers to log in, you can click the “Share” button to copy the unique Space url or copy the url directly from your browser. Sharing the Space URL this way means that it is publicly available for anyone that has the link.

Depending on your organization settings, your Space might default to being public to anyone with the URL or you might see an “Invite” button, as shown in the highlighted section below.



Source: <https://blog.hightail.com/spaces-your-one-stop-shop-for-creative-collaboration/>

If you choose to invite collaborators to join your Space by clicking the orange “Invite” button, you will be asked to enter the email addresses of your collaborators, as well as to set their permissions to “view only,” “comment only,” “comment and download” or “edit.” Setting permissions will help prevent files from being uploaded irrelevantly, downloaded unintentionally or accidentally deleted.

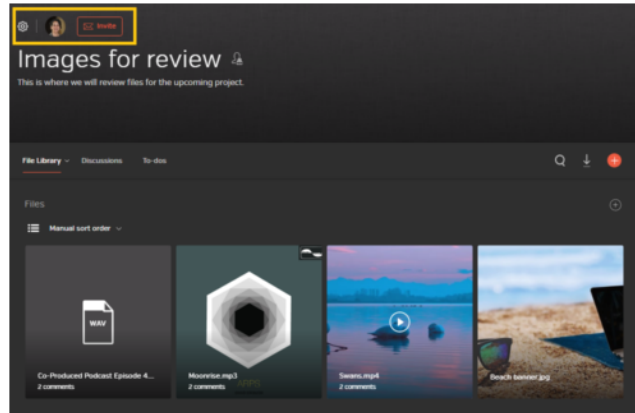
Source: <https://blog.hightail.com/spaces-your-one-stop-shop-for-creative-collaboration/>

46. With the Accused Product, Defendant performs a method for sharing data via a server comprising receiving by the server a request from a first client machine to establish a connection with a second client machine. For example, Hightail, through a server, allows an owner/team member (“first client machine”) of the Space to invite external collaborators (“second client machine”) to share files stored in the Space. To invite external collaborators, owner/team member clicks on “Invite” button, after which they are asked to enter the email addresses of external collaborators (“first client machine to establish a connection with a second client machine”).

Share your Space

To quickly share your Space without asking your reviewers to log in, you can click the “Share” button to copy the unique Space url or copy the url directly from your browser. Sharing the Space URL this way means that it is publicly available for anyone that has the link.

Depending on your organization settings, your Space might default to being public to anyone with the URL or you might see an “Invite” button, as shown in the highlighted section below.



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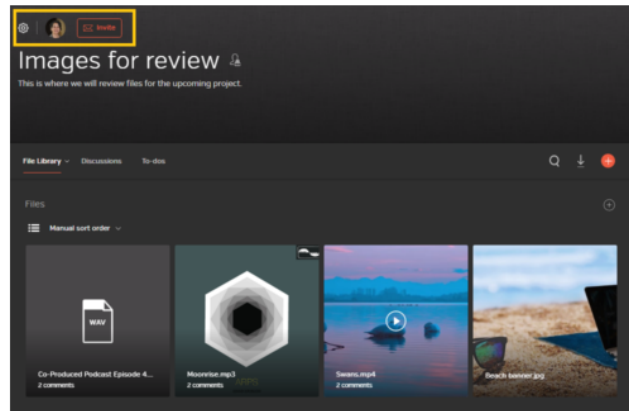
Source: <https://blog.hightail.com/spaces-your-one-stop-shop-for-creative-collaboration/>

47. With the Accused Product, Defendant performs a method for sharing data via a server comprising forwarding the request by the server to the second client machine. For example, Hightail, through the server, forwards the invitation to the intended recipient (external collaborator) (“second client machine”) in order to collaborate in Space.

Share your Space

To quickly share your Space without asking your reviewers to log in, you can click the “Share” button to copy the unique Space url or copy the url directly from your browser. Sharing the Space URL this way means that it is publicly available for anyone that has the link.

Depending on your organization settings, your Space might default to being public to anyone with the URL or you might see an “Invite” button, as shown in the highlighted section below.



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How to Share a Space

To create a Space select Space from the create new option or click the New Space Icon

Start by naming your Space and providing an optional description for the purpose of the Space.

Then upload files from your computer or various third party services.

Now that the Space is created you can share the Space with others by clicking the Share icon and then copying the URL into an email, chat tool or other communication method.

All that person needs to do is click the link and they will be taken to the Space.

If you are a teams or business user you can choose to invite specific people via a share form by changing the Spaces permissions.

Enter the persons emails address and then choose to enter an optional subject and message which will be included in the email notification.

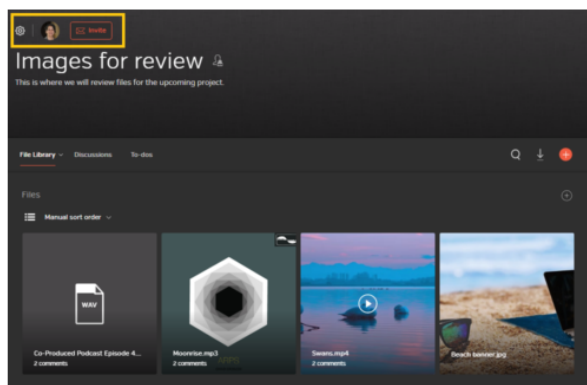
Source: <https://hightail.zendesk.com/hc/en-us/articles/217344297-How-to-Share-a-Space>

48. With the Accused Product, Defendant performs a method for sharing data via a server comprising permitting the first client machine to communicate with the second client machine via the server in response to the second client machine granting the request. For example, the intended recipient (external collaborator) (“second client machine”) receives the invite mail asking to collaborate in Space wherein mail contains the link to the Space. When the recipient clicks on the link (“second client machine granting the request”), the recipient is taken to Space for collaboration. Therefore, a communication link to share files is established between owner/team members and external collaborators through the server.

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To quickly share your Space without asking your reviewers to log in, you can click the "Share" button to copy the unique Space url or copy the url directly from your browser. Sharing the Space URL this way means that it is publicly available for anyone that has the link.

Depending on your organization settings, your Space might default to being public to anyone with the URL or you might see an "Invite" button, as shown in the highlighted section below.



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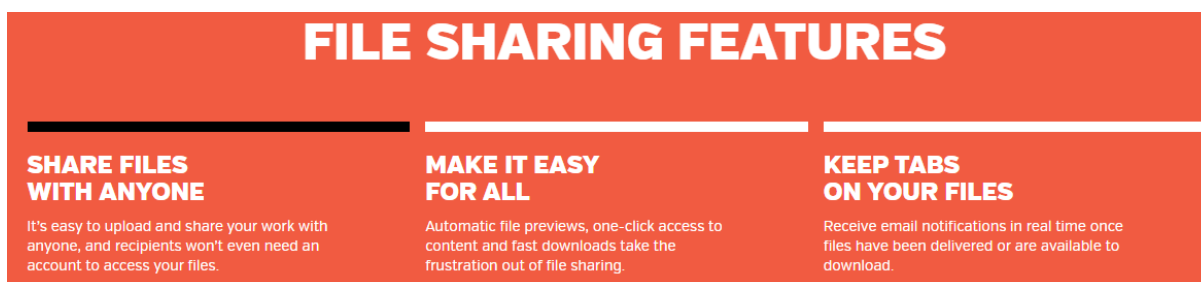
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If you are a teams or business user you can choose to invite specific people via a share form by changing the Spaces permissions.

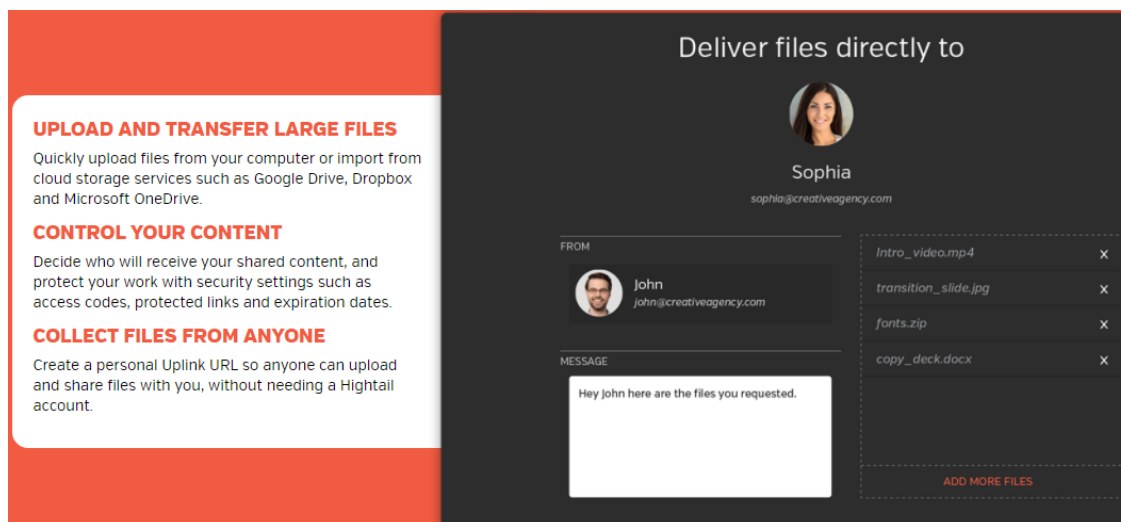
Enter the persons emails address and then choose to enter an optional subject and message which will be included in the email notification.

Source: <https://hightail.zendesk.com/hc/en-us/articles/217344297-How-to-Share-a-Space>

49. With the Accused Product, Defendant performs a method for sharing data via a server comprising in response to the first client machine uploading a file to a file list coupled to a store that is remotely located to the first and second client machines notifying the second client machine by the server of the file. For example, Hightail allows the members of the Space to upload files to the folders and sub folders (“file list”) of the Space. Hightail stores the files at their geographically placed remote servers (“store”) linked with Space.



Source: <https://www.hightail.com/file-sharing>



Source: <https://www.hightail.com/file-sharing>

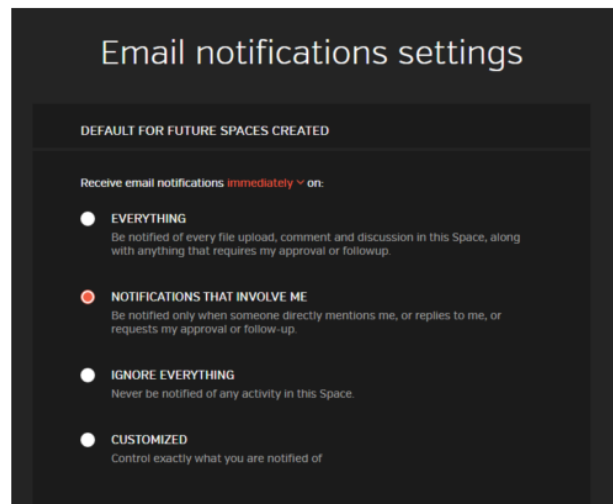
How do I share files using Hightail?

You have a few options for sharing files in Hightail. To send files directly to a recipient's email address, open up a send form and upload your files to be delivered. If you are collaborating on multiple files, and are ready to send them to be reviewed, you can store those files in a Space and send the Space link out to your reviewer or invite them to join your Hightail Space.

Source: <https://www.hightail.com/file-sharing>

Further, for example, Hightail allows team members of the Space to customize notification alerts. By selecting “Everything” option a team member is notified for all new comments, file uploads, follow-ups and approval requests.

Here, you can choose to follow all of the activity more closely by selecting “Everything.” This will send you email updates for all new comments, file uploads, follow-ups and approval requests that happen.



Source: <https://blog.hightail.com/email-notification-preferences/>

50. Wherein, in response to the first client machine uploading a file to a file list coupled to a store that is remotely located to the first and second client machines establishing a level of access to the file list coupled to the store, wherein the store is independent of a file path and unnavigable to by a user. For example, Hightail allows to manage the team members' permission level of access to the folders and subfolders in Space. The Space does not depend upon the file path (dependent on links) and therefore is unnavigable by the user.

Manage access to your files when sending

Want to put specific security measures in place for how your recipient interacts with the file[s] that you send to them? Hightail can help you ensure your files are only shared with the people you want to share with, and you can also control how they interact with your files. Here are six ways to control files you send using your Hightail Pro, Teams or Business subscription:

Source: <https://blog.hightail.com/how-to-keep-your-content-secure-and-under-control-even-when-collaborating/>

1. **Assign access codes** – By setting an access code and only sharing that code with the intended recipient[s], you can add an extra layer of security to that file. You can also change that code if/when you no longer want a particular recipient to access the file.
2. **Set expiration dates** – Working on a project where you only want a recipient to have access to the file for a brief amount of time? You can set a file to expire after one day, one year or whenever the recipient should no longer be accessing the file.
3. **Verify recipient identity** – With this option selected, the recipient will be required to sign in to Hightail using a confirmed email address—so nobody but the intended recipient will have access, even if the recipient forwards the link to someone else. Note that your recipient will be directed to sign up for a free Hightail Lite account if they do not have an existing account.
4. **Allow recipient comments** – Are you looking for feedback on the files you're sending? If the answer is yes, you can check "Allow recipient comments," which gives your recipient the option to mark up your file preview, quickly leaving precise feedback in Hightail.
5. **Prevent downloads** – Choose this option if you only want your recipient to be able to view your files, but not be able to download them.
6. **Get download receipts** – You will receive an email letting you know exactly when your recipient has downloaded your content by selecting this option.

Source: <https://blog.hightail.com/how-to-keep-your-content-secure-and-under-control-even-when-collaborating/>

You can choose how anyone with the link can interact with your Space:

Edit: This allows access to full capabilities, including deleting files and uploading new versions.

Comment and download: Although users with this permission setting can't edit files, they can still leave precise feedback on content, in addition to downloading the content.

Comment only: This user can only add feedback and cannot download or edit files.

View only: The most restrictive of the settings, this means the file can only be viewed, not commented on, edited or downloaded.

Source: <https://blog.hightail.com/how-to-keep-your-content-secure-and-under-control-even-when-collaborating/>

51. With the Accused Product, Defendant performs a method for sharing data via a server comprising establishing a connection between the file list and the store by a secured channel to download the file. For example, Hightail sets up a secure connection between folders and sub folders (“file list”) and a Space linked to Hightail servers (“store”). This allows team members to download the files from servers securely.

**SECURELY SEND, RECEIVE AND STORE FILES
IN THE CLOUD.**

Source: <https://www.hightail.com/file-sharing>

FILE SHARING FEATURES

SHARE FILES WITH ANYONE

It's easy to upload and share your work with anyone, and recipients won't even need an account to access your files.

MAKE IT EASY FOR ALL

Automatic file previews, one-click access to content and fast downloads take the frustration out of file sharing.

KEEP TABS ON YOUR FILES

Receive email notifications in real time once files have been delivered or are available to download.

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UPLOAD AND TRANSFER LARGE FILES

Quickly upload files from your computer or import from cloud storage services such as Google Drive, Dropbox and Microsoft OneDrive.


CONTROL YOUR CONTENT

Decide who will receive your shared content, and protect your work with security settings such as access codes, protected links and expiration dates.

COLLECT FILES FROM ANYONE


Create a personal Uplink URL so anyone can upload and share files with you, without needing a Hightail account.

Deliver files directly to



Sophia
sophia@creativeagency.com

FROM



John
john@creativeagency.com

MESSAGE

Hey John here are the files you requested.

Intro_video.mp4 x

transition_slide.jpg x

fonts.zip x

copy_deck.docx x

ADD MORE FILES

Source: <https://www.hightail.com/file-sharing>

How do I share files using Hightail?

You have a few options for sharing files in Hightail. To send files directly to a recipient's email address, open up a send form and upload your files to be delivered. If you are collaborating on multiple files, and are ready to send them to be reviewed, you can store those files in a Space and send the Space link out to your reviewer or invite them to join your Hightail Space.

Source: <https://www.hightail.com/file-sharing>

How to download a file from a Hightail Space?

Downloading files is just one of the many things you can do with Hightail but it is very important to understand how to do this.

To download your files, you have two options. You can either download 1 file at a time in case you only need one file out of many files that were uploaded, or you have the option to download all the files inside of a Space.

Source: <https://hightail.zendesk.com/hc/en-us/articles/220264327-How-to-download-a-file-from-a-Hightail-Space->

File Groups

Hightail for Business is giving users an easy way to organize files within a Space! Creating a **File Group** within a Space is quick and easy. It allows you to group together specific assets and organize easier.

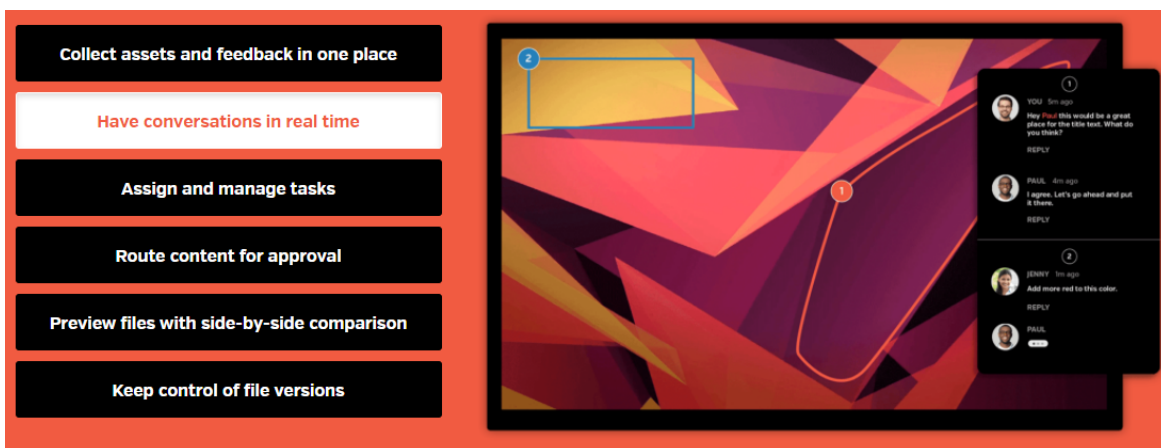
When inside of your Space, you can create a new File Group with existing files in the Space as well as upload new files.

Source: <https://hightail.zendesk.com/hc/en-us/articles/115015886448-File-Groups-#:~:text=You%20have%20to%20option%20to,you%20are%20going%20to%20create.>

52. Claim 2 of the '120 Patent recites:

2. The method of claim 1, wherein a first user is a member of a group, and the request is to invite a second user to join the group, and the group is closed to other users that have not been invited by a member of the group, no mutual communication is allowed between a member of the group and any of the other users.

53. With the Accused Product, Defendant performs a method for sharing data via a server wherein a first user is a member of a group, and the request is to invite a second user to join the group, and the group is closed to other users that have not been invited by a member of the group, no mutual communication is allowed between a member of the group and any of the other users. For example, Hightail allows to create Space (“group”) which is accessed by team members who have permission to access it. The owner or team member of a particular Space allows to send invite link to invite external collaborators. Team members are allowed to communicate with each other but not with outsiders who do not have any permissions to access the Space.

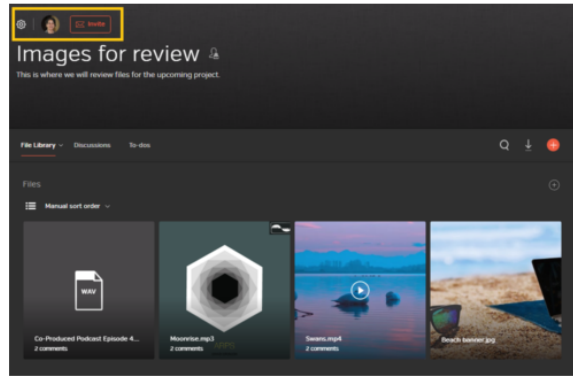


Source: <https://www.hightail.com/creative-collaboration>

Share your Space

To quickly share your Space without asking your reviewers to log in, you can click the "Share" button to copy the unique Space url or copy the url directly from your browser. Sharing the Space URL this way means that it is publicly available for anyone that has the link.

Depending on your organization settings, your Space might default to being public to anyone with the URL or you might see an "Invite" button, as shown in the highlighted section below.



Source: <https://blog.hightail.com/spaces-your-one-stop-shop-for-creative-collaboration/>

If you choose to invite collaborators to join your Space by clicking the orange "Invite" button, you will be asked to enter the email addresses of your collaborators, as well as to set their permissions to "view only," "comment only," "comment and download" or "edit." Setting permissions will help prevent files from being uploaded irrelevantly, downloaded unintentionally or accidentally deleted.

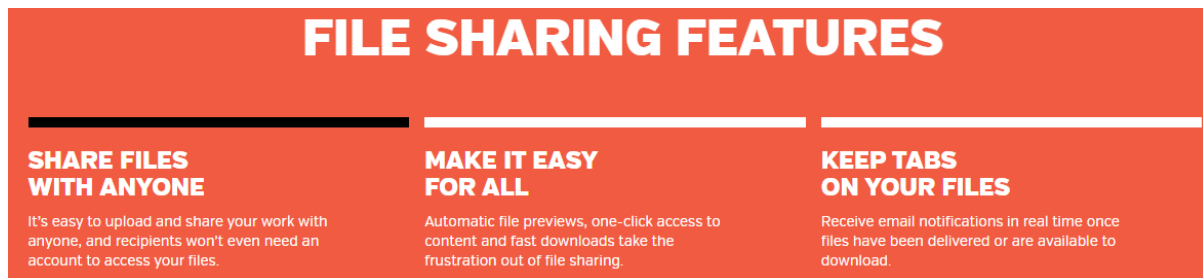
Source: <https://blog.hightail.com/spaces-your-one-stop-shop-for-creative-collaboration/>

54. Claim 3 of the '120 Patent recites:

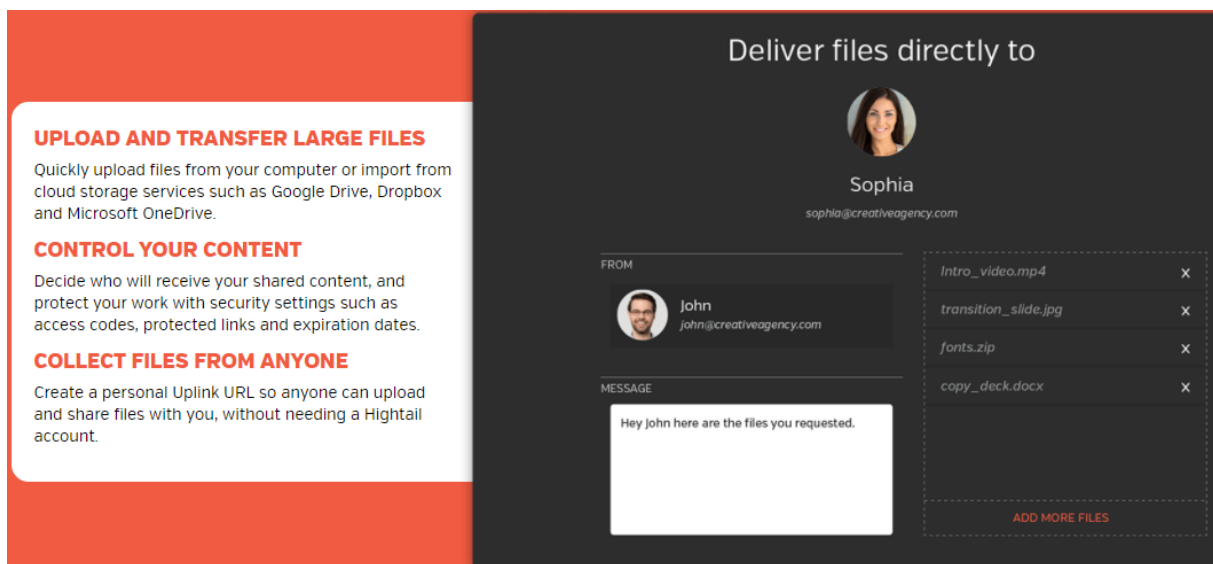
3. The method of claim 2, wherein the file is distributed to all members in the group without sending a copy of the file to each of the all members in the group at the same time.

55. With the Accused Product, Defendant performs a method for sharing data via a server wherein the file is distributed to all members in the group without sending a copy of the file to each of the all members in the group at the same time. For example, Hightail supports Space where all the files uploaded by one of the team members are shared to all the team members. If someone uploads a file to a particular Space then the team members

of that Space have that file synced on their respective user interface at the same time by the server. Therefore, file is shared with team members without sending a copy to each team member individually.



Source: <https://www.hightail.com/file-sharing>



Source: <https://www.hightail.com/file-sharing>

56. The foregoing infringement on the part of Defendant has caused past and ongoing injury to Plaintiff. The amount of damages adequate to compensate for the infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the '120 Patent.

57. To the extent Defendant continues, and has continued, its infringing activities noted above in an infringing manner post-notice of the '120 Patent, such infringement is necessarily willful and deliberate.

PRAYER FOR RELIEF

WHEREFORE, BCS respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '120 Patent;
2. awarding BCS its damages suffered as a result of Defendant's infringement of the '120 Patent;
3. awarding BCS its costs, attorneys' fees, expenses, and interest; and
4. granting BCS such further relief as the Court finds appropriate.

JURY DEMAND

BCS demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: January 19, 2021

Respectfully Submitted

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